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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,055	06/26/2001	John Paul Weirich		1759
7590	01/31/2006		EXAMINER	
JOHN WEIRICH 524 KENDALL AVE #3 PALO ALTO, CA 94306			BEKERMAN, MICHAEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/892,055	WEIRICH, JOHN PAUL
	Examiner	Art Unit
	Michael Bekerman	3622

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 26 June 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 2/24/2003.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Claims 1-10 in the reply filed on 12/12/2005 is acknowledged. Claims 11-16 are withdrawn from consideration.

### ***Specification***

2. The spacing of the lines of the specification is such as to make reading difficult. New application papers with lines 1½ or double spaced on good quality paper are required.

### ***Claim Rejections - 35 USC § 112***

3. **Claims 1-3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding claim 1, the fifth and sixth steps (transmitting approval and transmitting a message) appear to be the same. It is unclear as to how these steps differ.

Regarding claims 2 and 3, limitations from independent claim 1 can't be changed, only further limited. This is in reference to the replacement of the cell phone with a PDA device in claim 2. This is also in reference to the replacement of the verification transmitting step with a non-verification step in claim 3.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada (U.S. Pub No. 2002/0065713) in view of Thomas (U.S. Pub No. 2002/0091571).**

Regarding claims 1-10, Awada teaches a wireless device (cell phone or PDA) (Paragraph 0036) that can access a database of coupons from multiple merchants (Paragraph 0038, Sentence 1) for multiple products (thus accomplishing a discount querying step and discount transmitting step) (Paragraphs 0041 and 0042). Coupons are taken to be immediately viewed since the user actively downloads them by setting preferences (Paragraph 0042, Sentence 1). Awada also teaches presenting the coupon for authorization through a data link (Paragraph 0055, Sentence 3). Awada also teaches the coupons as expiring a user-specific time period after delivery (or viewing). By providing user-specific expiration, Awada inherently teaches means for calculating the passage of time between an initial viewing and redemption of the coupon.

Awada doesn't teach a computer as recording the time of transmission of the coupons. Awada does teach the coupons as expiring a specific time period after

delivery (or viewing). It would have been obvious to one having ordinary skill in the art at the time the invention was made that a time of transmission would have to be recorded in order to know when the coupon would expire.

Awada doesn't teach the transmitting of an approval message when a coupon is redeemed. Thomas teaches coupons on a cell phone or PDA (Paragraph 0025) that, once redeemed, will be deleted from the wireless device by the host computer. This requesting signal to delete is taken to read on a message. It would have been obvious to one having ordinary skill in the art at the time the invention was made to request deletion of the coupon from the wireless device since the consumer will no longer need them. Further, Thomas also teaches a notification being made should the coupon not be approved (Paragraph 0089, Sentence 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to let the customer know if the coupon was approved or not approved so the consumer will know the correct amount they need to pay.

Awada doesn't specify the recording of time and discount information. This is common information that can be found on receipts of purchase. Official notice is taken that it is old and well-known to print a receipt after a purchase that displays both time and price information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to print a receipt (on paper or to computer memory) after a sales transaction. This would allow the creation of documentation that can be kept for records. The printing of the receipt and the deleting of the coupon doesn't

appear to need performing in a certain order. Thus, it would be obvious to perform these steps in any order.

Awada doesn't teach the transmitting of a rejection message should the coupon not be approved. Thomas teaches a notification being made should the coupon not be approved (Paragraph 0089, Sentence 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to let the customer know if the coupon was not approved so the consumer will know the correct amount they need to pay.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to time-limited wireless discounts:

U.S. Pub No. 2001/0049636 to Hudda

U.S. Pub No. 2003/0154125 to Mittal

U.S. Patent No. 6,269,343 to Pallakoff

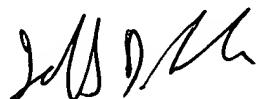
U.S. Patent No. 6,862,575 to Anttila

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bekerman whose telephone number is (571) 272-3256. The examiner can normally be reached on Monday - Friday, 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JEFFREY D. CARLSON  
PRIMARY EXAMINER